

CITY OF BLOOMINGTON  
TELECOMMUNICATIONS  
COUNCIL

SUMMATION OF MINUTES  
TUESDAY NOVEMBER 13, 2007

**I. Introduction and Comments**

Members present:

Duane Busick

Jesse Strycker

Carl Zager

Suzann Owen

Eric Ost came in after roll call

Others present:

Justin Goodwin

Martin O'Neill

**Public:**

Matt Pierce

**II. Approval of Minutes**

Busick motioned to approve the October 2, 2007 minutes. Zager moved to approve. Strycker seconded. Minutes approved 4-0-1.

**Old Business**

**IV. Public Comment**

Matt Pierce stated that there is not a lot to report regarding PEG Channels and the state franchising. Mr. Pierce stated that when AT&T first filed for state franchising that the places they applied for the franchising through out the state was supposed to be a secret where they applied for these so they can undercut their competitor's for video services. Verizon applied for franchising in the Ft. Wayne area and did it the old fashioned way but then turned and applied for state franchising and AT&T thought that this information should be kept secret as well. Pierce said when

all of this started happening he stepped forward as a voice for the public and made the demand that AT&T make their information public knowledge so that competitor's could know where exactly AT&T was in the community and which parts of the state they were offering video services to residents. This will give residents and the council the ability to know where AT&T was in Bloomington and Monroe County. Owen asked Mr. Pierce if there was any concern that this is not working in other places or that Bloomington is the only place that is upset in how AT&T was handling the PEG Channel's. Mr. Pierce stated that Bloomington is the most passionate about the PEG and other items that AT&T is handling. Ost asked about the emergency override and AT&T's responsibility to provide this. Mr. Pierce stated that it is their responsibility to provide this but that AT&T wants one hub to provide this through out the state and that each city and town that wants a local emergency alert are going to be or are requesting that this be done locally. Mr. Pierce stated that the new provider needs to do exactly what the old provider was doing and that if there can be a credible argument made for this it can be presented. Strycker asked if there is any area in the state that has multiple new companies coming in where there is predominately only one cable company in the town or city. Mr. Pierce stated that yes there are; and they are offering video service, broadband and telephone service as a triple package and this has become important and any company that is not offering all three in an area are going to lose customers. Mr. Pierce stated that with all of the resources that AT&T has to back them up for someone that does want to sue, challenge or require them to offer things like PEG Channels, for instance, that though it would not be impossible to go against them it would be a very lengthy and tedious process since they do have never ending resources to cover all avenues. Zager stated that a concern he has from the beginning are the emergency alerts override. Mr. Zager stated that there was an incident on W. 2<sup>nd</sup> St and that around 7:00 AM that morning there was a local emergency override on all cable channels that asked citizen's to change their traveling pattern, to stay home if possible, etc. Zager stated this override was extremely helpful to the citizen's and their safety. Zager stated that the only reason the alert was broadcast was due to the prior cable franchise that Insight had with the City of Bloomington and this does not mean that this override will always be there for the citizen's to be provided by AT&T or Verizon, for instance. Mr. Pierce stated that in the beginning the override system was not intended to be kept for citizens by the new companies but after this statement was made it was taken back, but there is still not a law that mandates that these new companies keep the override available for the citizen's safety.

## **Reports and Announcements**

### **A). BTC Members**

Busick stated that the reason for a work session meeting instead of a regular meeting was to entertain comments and try to get ideas regarding video franchising. Busick stated he wanted to do away with the formality of a normal meeting and have a discussion on how Indiana is to deal with the new video franchising. Owen stated there has been a little more movement nationally regarding the franchising going statewide. AT&T has moved for state franchising in Ohio.

Busick stated that he would like to have what the definition of a channel is since now AT&T is trying to redefine, themselves, what a channel is and downgrading what a PEG Channel is in the process.

Busick asked if Mr. Pierce thought that going the route of the emergency override would get the most attention in front of legislation. Mr. Pierce stated that if there could be a coalition built consisting of cities, towns, law enforcement, community media and homeland security and all of these entities put their effort into this they may be able to overcome the lobbyists with their need of the emergency override to stay the way it is, local.

Busick stated that council's task is to get a coalition together. Zager moved that the council request that the City of Bloomington request a commission staff that includes the council and the office of general council to begin discussions with AT&T. Zager also moved that the Indiana office of the Utility Consumer Counselor and that the members of the council be invited to participate in the process. Strycker seconded the motion. Ost stated that other interested parties such as WTIU, CATS, etc should also be included. All in favor. 5-0-0.

Zager stated that he is interested in the two positions that are outlined in the IURC letter. The formal position of filing a petition and the other, less formal position is to request the IURC to help facilitate discussions between the city or town and AT&T.

Zager wanted to volunteer to contact Jeff Schemmer so he could get contact information for Seymour, Indiana regarding their emergency override situation since Comcast took over Insight in their area. Zager stated that Homeland Security information will fall under his contact with Jeff Schemmer.

Busick volunteered himself to contact the Indiana Association of Cities and Towns to see where they are regarding the franchising. Busick stated he would also contact the Citizen's Action Coalition since he has contacted them before.

Busick asked Ost if he would be willing to contact community media, particularly Eric Mulberg and people involved in Indy Access as well.

Strycker asked about the grassroots method of contacting local towns through local newspaper and mailing lists. Owen asked what they would write about using the grassroots method. Strycker stated that they would consist of emergency overrides, homeland security issues among other franchise issues.

Owen asked if this is the best technology to advocate, meaning the emergency override, and going out and mobilizing all of these entities and all of these people to get the PEG issue through with the emergency override issue. Zager stated that yes, it is very important and a key component in the big picture; though in and of itself, no.

## **B.) CATS**

### **The report is in the official record.**

O'Neill stated that they have heard nothing back from AT&T at meeting time since the walk through they had with them. Owen asked if a site survey was done to see the space AT&T would need for their equipment or if there was plenty. O'Neill stated the site survey had already been done. O'Neill stated that they did not seem concerned if they were on the UPS system to keep service from being interrupted. Ost stated that Insight, per the old state franchise, had to have the battery back system, O'Neill stated that AT&T basically told CATS that they could put them on the UPS if they wanted, but did not make it seem as if it were very important whether or not CATS assisted them with this. O'Neill stated that even asking Insight for the

equipment would be feasible. Owen stated that in her speculation she did not see AT&T as looking at PEG Channel availability as being important.

**C.) Insight Communications**

**The report is in the official record.**

There was no one present from Insight. They are not required to attend due to the franchise being at the State level now.

**D.) WTIU/TIU2**

**The report is in the official record.**

There was no one present from WTIU/TIU2. They are only required to attend meetings on a quarterly basis.

**E.) AT&T**

No one from AT&T was present.

**F.) Bloomington Digital Underground**

There was no one from BDU present.

**III. Old Business**

**A.) The role of the BTC.**

**IV. New Business**

**V. Adjournment**

The next official meeting of the Telecommunications Council is set for Tuesday December 4, 2007 at 7:30 in the City Council Chambers